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Of Counsel:
MARSHALL A. MINTZ

ANGELA D. LIPSMAN (NY; NJ)

February 7, 2022

APPLICATION GRANTED

SO ORDERED 

VERNON S. BRODERICK

U.S.D.J. 02/09/2022

Hon. Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

Defendant Franzone will be subject to a curfew enforced using GPS monitoring. The hours of curfew will be set at the discretion of Pretrial Services.

Re: United States v. Franzone
21 CR 446 (VSB)

Dear Judge Broderick,

I represent Andrew Franzone ("Franzone") in the above-captioned case. Mr. Franzone is on home detention. Appearance Bond, Doc. # 15, p. 12. I write to request that the terms of Mr. Franzone's pre-trial release be modified to place him on a curfew in lieu of home detention.

I note that at the bond hearing on June 24, 2021, Magistrate Judge Stewart Aaron found that dangerousness is not an issue in the case at bar. Transcript of June 24, 2021 Proceedings, p. 22, Lines 8 – 9.

I have consulted with Mr. Franzone's Pretrial Services Officer. I have been advised by Pretrial Services that Mr. Franzone has been compliant with the terms of his release and that Pretrial Services consents to moving the defendant from home detention to a curfew, enforced by electronic monitoring and with hours to be set at Pretrial Services' discretion.

Defense counsel has also conferred with the U.S. Attorney's Office, and we have been advised that the Government opposes this application.

Since I was retained on this matter, Mr. Franzone has been coming into my law office on a regular basis—usually multiple times per week. Each time he comes, my office has to send a request to Pretrial Services, with the date, location, and time of the meeting, as well as the

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expected length of the meeting, and Pretrial Services, in turn, has to approve a schedule each time for when Mr. Franzone is permitted to leave his home and what time he must be home by.

We have frequently cut our meetings with Mr. Franzone short in order to comply with the schedule approved by Pretrial Services and, more than once, have had to call Mr. Franzone's Pretrial Services Officer to alert her that a meeting went longer than anticipated.

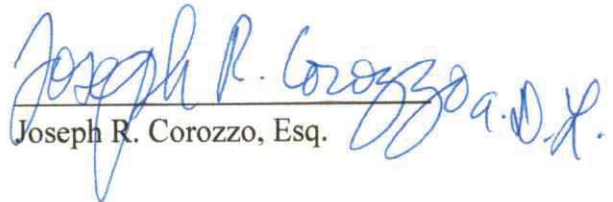
There is already voluminous discovery in this matter and an enormous amount of work to do. As the case continues, it will become essential for the preparation of Mr. Franzone's defense that he come into the law office on a daily basis.

We respectfully submit that requiring Pretrial Services to continue to pre-approve schedules for Mr. Franzone to meet with his defense counsel is an unnecessary burden.

Wherefore, I respectfully request that Mr. Franzone's terms of pre-trial release be modified to replace home detention with a curfew, to be enforced by electronic monitoring, with hours to be set at Pretrial Services' discretion.

Thank you for your consideration.

Respectfully,


Joseph R. Corozzo, Esq.

cc: AUSA Kiersten Fletcher (via ECF)
Pretrial Services Officer Francesca Piperato (via email)